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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,942	10/30/2003	Larry W. White	DC-05626	9081
33438	7590	02/17/2006	EXAMINER	
HAMILTON & TERRILE, LLP			COUGHLAN, PETER D	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	

2129

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,942

Applicant(s)

WHITE ET AL.

Examiner

Peter Coughlan

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-24 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 9 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term 'system basis' is not clearly defined. In ¶0025 is 'system' a network system of a customer system? In ¶0032 'system basis' could be the 'system model number'.
3. Claims 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. Claims 5 and 13 use the term 'system model' but that term is used only in ¶0032 but not clearly defined. The term 'system model identifier' is only used in claims 5 and 13 and nowhere in the specification.

4. Claims 6, 14 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 6, 14 and 20 use the term 'system manufacture' and this term is not defined in the specification. Is it a component (system) manufacture data, or a date when the system (multiple components) was completed?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9, 16, 17 and 24 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Wu**) being clearly anticipated by Wu et al., U.S. Patent Publication 20040083213.

Claims 1, 9 and 17.

Wu teaches an excursion identifying module (**Wu**, ¶0022; Examiner's Note (EN) 'Identifying module' of applicant is equivalent to process 102 Figure #1 of Wu.), the excursion identifying module identifying excursions to the general solutions on a system basis (**Wu**, ¶0051; EN 'Excursions' of applicant is equivalent to 'attribute criteria' of Wu.); a knowledge repository, the knowledge repository storing information regarding general solutions to issues, the knowledge repository storing information relating to excursions to general solutions, the excursions being searchable on a system bases (**Wu**, ¶0067; EN 'Knowledge repository' of applicant is equivalent to 'solution database' of Wu.); a search module, the search module searching the solution network to determine whether an excursion solution exists when accessing the solution network. (**Wu**, ¶0022; EN 'Search module' of applicant is equivalent to 104 Fig#1 of Wu.)

Claims 8, 16 and 24.

Wu teaches the system includes an information handling system. (**Wu**, ¶0027; EN 'Information handling system' of applicant is equivalent to 'server system' of Wu.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 10-15, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al in view of Markham (U. S. Patent Publication 20040243998, referred to as **Collins**; U. S. Patent Publication 20030158795, referred to as **Markham**)

Claims 2, 10 and 18.

Wu does not teach the excursions are identifiable based upon a unique system identifier.

Collins teaches the excursions are identifiable based upon a unique system identifier. (**Collins**, ¶0022; EN 'Excursions' and 'unique system identifier' of applicant is equivalent to 'corrupted' and 'unique identifier' of Collins.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Wu by using a particular identifier as taught by Collins to have teaches the excursions are identifiable based upon a unique system identifier.

For the purpose of narrowing the scope of search to a given system.

Claims 3, 11 and 19.

Wu does not teach the unique system identifier is a service tag.

Collins teaches the unique system identifier is a service tag. (**Collins**, ¶0022) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Wu by using a service tag within the unique system field to focus in on a solution as taught by Collins to have the unique system identifier is a service tag.

For the purpose of setting forth the proper configuration of a particular unique system.

Claims 4, 12 and 20.

Wu does not teach storing the excursion exception within the solution network based upon a part identifier.

Collins teaches storing the excursion exception within the solution network based upon a part identifier. (**Collins**, ¶0022; EN 'Part identifier' of applicant is equivalent to 'express service code' of Collins. Collins states that corrupted software (excursion) is linked (identifiable) to an express service code. (part identifier)) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Wu by linking the solution to the current situation characteristics as taught by Collins to store the excursion exception within the solution network based upon a part identifier.

For the purpose of obtaining a correct solution for a given excursion.

Claims 5, 13 and 21.

Wu and Collins do not teach storing the excursion exception within the solution network based upon a system model identifier.

Markham teaches storing the excursion exception (**Markham**, ¶0008; EN 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.) within the solution network (**Markham**, ¶0043; EN 'Solution' of applicant is equivalent to 'maintenance' of Markham.) based upon a system model identifier (**Markham**, ¶0081; 'System model identifier' of applicant is equivalent to 'vendor' of Markham.)

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify combined teachings of Wu and Collins by having routine maintenance required based on vendor type as taught by Markham to store the excursion exception within the solution network based upon a system model identifier.

For the purpose of using vendor type as an input parameter for maintenance schedule.

Claims 6, 14 and 22.

Wu and Collins do not teach storing the excursion exception within the solution network based upon a system manufacture date.

Markham teaches storing the excursion exception (**Markham**, ¶0008; EN 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.)

Art Unit: 2129

within the solution network (**Markham**, ¶0043; EN 'Solution network' of applicant is equivalent to 'maintenance' of **Markham**.) based upon a system manufacture date. (**Markham**, ¶0081; 'System manufacture date' of applicant is equivalent to 'manufacture date' of **Markham**.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify combined teachings of Wu and Collins by using manufacturing date as a input parameter routine maintenance as taught by **Markham** to store the excursion exception within the solution network based upon a system manufacture date.

For the purpose of keeping track of possible poor manufacturing from outside vendors within a given time period.

Claims 7, 15 and 23.

Wu and Collins do not teach searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions.

Markham teaches searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions. (**Markham**, ¶0049; EN 'Solution network for general solutions' of applicant is equivalent to **Markham** being integrated to outside systems for solutions.)

Art Unit: 2129

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify combined teachings of Wu and Collins by having another source for possible solutions as taught by Markham to search the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions.

For the purpose of having access to a possible solution when none could be found when using the excursion solution system.

Conclusion

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure.

- U. S. Patent Publication 20030158796: Balent
- U. S. Patent 6519762: Colligan
- U. S. Patent Publication 20040199758: Meaney
- U. S. Patent Publication 20050283410: Gosko
- U. S. Patent Publication 20030033387: Adams
- U. S. Patent 5359646: Johnson

8. Claims 1-24 are rejected.

Correspondence Information

9. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

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Customer Service Window,
Randolph Building,
401 Dulany Street,
Alexandria, Virginia 22313,
(located on the first floor of the south side of the Randolph Building);

or faxed to:

Art Unit: 2129

(571) 273-8300 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Peter Coughlan

2/1/2006

